

REMARKS

I. Claim Rejections - 35 U.S.C. §112

Reconsideration is requested of the Examiner's rejection of Claims 2-16, 18-35, and 37-40, under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicated that it is not clear if the Applicant intends to claim the "combination device alone or the combination of the combination device and the remote support structure."

To clarify for the Examiner, the Applicants claim the "combination," which was identified in the preamble as the "combination device." This combination device includes the two elements – "a coupling member" and "a connecting member." The preamble of independent Claims 38 and 39 have been amended to clarify this position. For example, Claim 38 now recites:

A combination of a coupling member and a connecting member for positioning and securing-an electrical wire-carrying conduit to a remote supporting structure, wherein:

said coupling member ...; and
said connecting member

In view of this amendment, Applicant believes this rejection is now moot.

II. Claim Rejections - §102 (Sullivan)

Reconsideration is requested of the Examiner's rejection of Claims 2-16, 18-35, and 37-40 under 35 U.S.C. §102(b) as being anticipated by, newly cited, U.S. Patent No. 2,846,169 to Sullivan. The Examiner relied on the Sullivan reference for disclosing all the elements of independent Claims 38 and 39.

A claim is anticipated under 35 U.S.C. §102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Amended Claim 38 discloses a combination of a coupling member and a connecting member for positioning and securing-an electrical wire-carrying conduit to a remote supporting structure, wherein:

said coupling member is adapted to receive and support said conduit, said coupling member comprising *a tubular member having at least one end, said end adapted to receive one end of said conduit, and said tubular member having a wall containing an aperture facing said remote supporting structure*; and

said connecting member having opposite ends, *one end of said connecting member securely engaging said aperture in said wall of said tubular member*, the opposite end of said connecting member extending outwardly beyond said wall and adapted to securely engage said remote supporting structure, to securely hold and support said coupling member and said conduit in a selected position.

Similarly, Claim 39 discloses a combination of a coupling member and a connecting member for positioning and securing a pair of electrical wire-carrying conduits to a remote supporting structure, wherein:

said coupling member adapted to receive and support said conduits, said coupling member comprising *an integral tubular member having a generally cylindrical wall surrounding an interior space and opposed axially aligned ends, each of said ends adapted to receive one end of one of said pair of conduits, and said tubular member having an aperture through said cylindrical wall into said interior space facing said remote supporting structure*; and

said connecting member having opposite ends, *one end of said connecting member securely engaging said aperture in said wall of said tubular member such that said end of said connecting member extends into said interior space to securely engage said ends of said conduits received in said coupling member*, the opposite end of said connecting member extending outwardly beyond said wall and adapted to securely engage said remote supporting structure, to securely hold and support said coupling member and said pair of conduits in a selected position.

The Sullivan reference fails to disclose, at least, the above elements shown in ***bold and italics***.

The purpose and construction of the device of the Sullivan reference is patentably different from the present invention.

The Examiner improperly relied on element 30 as the coupling member of the present invention. The coupling member of the present invention comprises “a tubular member” (Claim 38) or “a tubular member having a generally cylindrical wall surrounding an interior space” (Claim 39). On the other hand, element 30 of the Sullivan reference is a “C-shaped clamp member” that has angular walls, is clearly open and cannot directly hold a conduit; nor is it intended to do so. Figure 1; Col. 1, line 71 – Col. 2, line 10; Col. 2, lines 40-41. The C-shaped clamp member 30 of the Sullivan reference can only connect to the pipes p via a four-way channel support member 10 and straps 70. Figure 1; Col. 2, lines 46-49. The Sullivan reference fails to teach, disclose or suggest a tubular coupling member of the present invention.

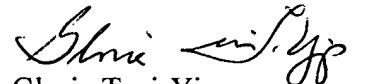
The Examiner also improperly relied on element 60 as the connecting member of the present invention. The connecting member of the present invention “extends into [the] interior space (which is formed from a generally cylindrical wall) to securely engage [the] ends of [the] conduits received in [the] coupling member.” Claim 39. The Examiner did not, and cannot, recite how this limitation is met by the Sullivan reference. Because the C-shaped clamp member 30 of the Sullivan reference cannot hold the conduit directly, element 60 does not and cannot “securely engage the conduits received in the coupling member.” The Sullivan reference fails to teach, disclose or suggest the connecting member of the present invention.

Therefore, the Sullivan reference fails to teach “each and every element” of Claims 38 and 39 and all claims dependent therefrom, as required under a §102(b) rejection. Hence, Claims 2-16, 18-35, and 37-40 are not anticipated by the Sullivan reference.

III. Conclusion

By virtue of the Applicant's amendment to the claims and remarks thereto, all outstanding grounds of rejection and objection have been addressed and dealt with and, based thereon, it is believed that the application is now in condition for allowance and such action is respectfully solicited.

Respectfully submitted,



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